

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**GABRIEL BURRESS,**

**Plaintiff,**

**v.**

**SHAWNEE POLICE DEPARTMENT,  
et al.,**

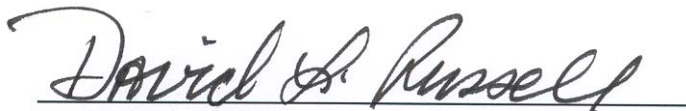
**Defendants.**

**No. CIV-21-270-R**

**ORDER**

Plaintiff filed this action pursuant to 42 U.S.C. § 1983. The Court referred the matter to United States Magistrate Judge Shon T. Erwin for preliminary review. On July 6, 2021, Judge Erwin granted Plaintiff leave to proceed without prepayment of fees but ordered that he pay an initial filing fee of \$6.40 not later than July 23, 2021. (Doc. No. 12). On August 3, 2021, Judge Erwin issued a Report and Recommendation wherein he recommended that the case be dismissed without prejudice in light of Plaintiff's failure to submit the partial filing fee. (Doc. No. 13). The record reflects that Plaintiff has not objected to the Report and Recommendation within the time limits prescribed therein, nor has he sought an extension of time in which to object. Additionally, Plaintiff has not tendered the partial filing fee. Accordingly, the Court hereby ADOPTS the Report and Recommendation and dismisses this action without prejudice.

**IT IS SO ORDERED** this 30<sup>th</sup> day of August 2021.

  
**DAVID L. RUSSELL**  
**UNITED STATES DISTRICT JUDGE**